

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Mar 21, 2023

SEAN F. McAVOY, CLERK

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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10  
11 UNITED STATES OF AMERICA,

12 Plaintiff,

13  
14 v.

15 JUSTIN RICHARD BYERS and  
16 KAYLA ANN TOMPKINS,

17 Defendant.  
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2:23-CR-34-TOR

INDICTMENT

Vio.: 21 U.S.C. § 841(a)(1),  
(b)(1)(B)(vi),  
Possession with Intent to  
Distribute 40 Grams or More of  
Fentanyl  
(Count 1)

18 U.S.C. § 922(g)(1),  
924(a)(8),  
Felon in Possession of a  
Firearm  
(Counts 2, 3)

18 U.S.C. § 924, 21 U.S.C. §  
853, 28 U.S.C. § 2461  
Forfeiture Allegations

INDICTMENT - 1

1 The Grand Jury charges:

2 COUNT 1

3  
4 On or about February 27, 2023, in the Eastern District of Washington, the  
5 Defendant, JUSTIN RICHARD BYERS, knowingly possessed with the intent to  
6 distribute 40 grams or more of a mixture or substance containing a detectable amount  
7 of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide (a/k/a fentanyl), a  
8 Schedule II controlled substance, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(vi).  
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11 COUNT 2

12 On or about February 27, 2023, in the Eastern District of Washington, the  
13 Defendant, JUSTIN RICHARD BYERS, knowing of his status as a person previously  
14 convicted of a crime punishable by imprisonment for a term exceeding one year, did  
15 knowingly and intentionally possess in and affecting commerce, firearms, to wit: an  
16 Interarms 9mm caliber semi-automatic handgun bearing serial number 2114657 and a  
17 Sig Sauer Model P365 .380 caliber semi-automatic handgun bearing serial number  
18 66A455436, which firearms had theretofore been transported in interstate and foreign  
19 commerce, all in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8).  
20  
21  
22

23 COUNT 3

24  
25 On or about February 27, 2023, in the Eastern District of Washington, the  
26 Defendant, KAYLA ANN TOMPKINS, knowing of her status as a person previously  
27

1 convicted of a crime punishable by imprisonment for a term exceeding one year, did  
2 knowingly and intentionally possess in and affecting commerce, a firearm, to wit: a  
3  
4 Sig Sauer, Model P328 handgun bearing serial number 27A149421, which firearm  
5 had theretofore been transported in interstate and foreign commerce, all in violation of  
6  
7 18 U.S.C. §§ 922(g)(1), 924(a)(8).

### 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

SERIOUS DRUG FELONY

Before JUSTIN RICHARD BYERS committed the above offense named in  
Count 1, JUSTIN RICHARD BYERS, had a final conviction for a serious drug  
felony, as defined in 21 U.S.C. § 802(57), to wit: Possession with Intent to Distribute  
100 Grams or More of Heroin, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B)(i), in  
the United States District Court for the Eastern District of Washington, Case No. 2:16-  
CR-116-TOR, and having served a term of imprisonment beginning on or about July  
5, 2016, and continuing until on or about February 12, 2021.

### NOTICE OF CRIMINAL FORFEITURE

The allegations contained in this Indictment are hereby realleged and  
incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 21 U.S.C. § 853, upon conviction of an offense in violation of 21  
U.S.C. § 841, as set forth in this Indictment, the Defendant, JUSTIN RICHARD  
BYERS, shall forfeit to the United States of America, any property constituting, or

1 derived from, any proceeds obtained, directly or indirectly, as the result of such  
2 offense and any property used or intended to be used, in any manner or part, to  
3 commit or to facilitate the commission of the offense. The property to be forfeited  
4 includes, but is not limited to:

- 5 - an Interarms 9mm caliber semi-automatic handgun bearing serial number  
6 2114657; and,
- 7 - a Sig Sauer Model P365 .380 caliber semi-automatic handgun bearing serial  
8 number 66A455436

9 If any forfeitable property, as a result of any act or omission of the Defendant:

- 10 a. cannot be located upon the exercise of due diligence;
- 11 b. has been transferred or sold to, or deposited with, a third party;
- 12 c. has been placed beyond the jurisdiction of the court;
- 13 d. has been substantially diminished in value; or
- 14 e. has been commingled with other property which cannot be divided  
15 without difficulty,

16 the United States of America shall be entitled to forfeiture of substitute property  
17 pursuant to 21 U.S.C. § 853(p).

18 Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction of  
19 an offense in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8) as set forth in this  
20 Indictment, the Defendants, JUSTIN RICHARD BYERS and KAYLA ANN  
21 TOMPKINS, shall forfeit to the United States of America any firearms or ammunition  
22 involved or used in the commission of the offense, including, but not limited to:

1 Defendant JUSTIN RICHARD BYERS - COUNT 2

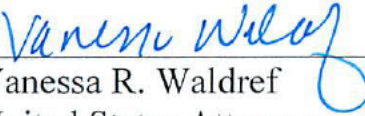
- 2 - an Interarms 9mm caliber semi-automatic handgun bearing serial number  
3 2114657; and,  
4  
5 - a Sig Sauer Model P365 .380 caliber semi-automatic handgun bearing serial  
6 number 66A455436


7 Defendant KAYLA ANN TOMPKINS - COUNT 3

- 8 - a Sig Sauer, Model P328 handgun bearing serial number 27A149421

9 DATED this 21 day of March 2023.

10 A TRUE BILL

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17 Vanessa R. Waldref  
18 United States Attorney

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21 Caitlin Baunsgard  
22 Assistant United States Attorney  
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